

10571980

Translation

PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)	<b>See Form PCT/ISA/210</b>
Applicant's or agent's file reference <b>Sg042246WO</b>		<b>FOR FURTHER ACTION</b> See paragraph 2 below	
International application No. <b>PCT/EP2004/010177</b>	International filing date (day/month/year) <b>11.09.2004</b>	Priority date (day/month/year) <b>16.09.2003</b>	
International Patent Classification (IPC) or both national classification and IPC <b>F01N3/022</b>			
Applicant <b>DEUTSCHES ZENTRUM FÜR LUFT- UND RAUMFAHRT E.V.</b>			

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input checked="" type="checkbox"/> | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input checked="" type="checkbox"/> | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
 a sequence listing  
 table(s) related to the sequence listing
  - b. format of material  
 in written format  
 in computer readable form
  - c. time of filing/furnishing  
 contained in the international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. II Priority

1.  The following document has not yet been furnished:  
 copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).  
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).  
Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
2.  This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**WRITTEN OPINION OF THE  
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Box No. V	<b>Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</b>	
<b>1. Statement</b>		
Novelty (N)	Claims	YES
	<u>1-6</u>	NO
Inventive step (IS)	Claims	YES
	<u>1-6</u>	NO
Industrial applicability (IA)	Claims	YES
	<u>1-6</u>	NO
<b>2. Citations and explanations:</b>		
<p>1 Document EP 0 318 958 A (D1) (cf. the entire document) discloses a particle filter for an internal combustion engine having a monolithic porous filter body (33) which has inflow ducts (34) and outflow ducts (35), each inflow duct (34) intersecting at least one outflow duct (35) from which it is separated by a filter wall, the inflow ducts (34) opening into a calming space (41) which is an ash space for depositing ash.</p> <p>1.1 The subject matter of claim 1 is thus not novel (PCT Article 33(2)).</p> <p>1.2 The dependent claims 2-6 do not appear to contain any additional features which, in combination with the features of any claim to which claims 2-6 refer back, meet the PCT requirements for novelty or inventive step because the subject matter of claims 2-6 is known from document D1.</p>		

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Box No. VII      Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

- 2      Contrary to PCT Rule 5.1(a) (ii), the description does not cite document D1 or indicate the relevant prior art disclosed therein.
- 2.1    The description is not consistent with the claims, as prescribed in PCT Rule 5.1(a) (iii).